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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JIM BASS HOLDEN,

 Petitioner,

 v.

WARDEN DWIGHT NEVINS, et al.,

 Respondents.

Case No. 2:13-cv-00668-JCM-GWF

ORDER

 This matter is before the court on the appointment of new counsel to represent petitioner. ECF No. 78. New counsel will need to decide how to proceed with the case.

 Upon reviewing the petition, the court provisionally appointed the Federal Public Defender to represent petitioner. ECF No. 5. The Federal Public Defender had a conflict of interest and could not represent petitioner. ECF No. 6.

 The court then appointed William Gamage to represent petitioner. ECF No. 8. Gamage filed a first amended petition for writ of habeas corpus. ECF No. 39. That is the operative petition. Respondents have filed an answer. ECF No. 47. Petitioner did not file a reply to the answer, and the first amended petition technically is briefed fully and ready for a decision on the merits.

 However, petitioner filed a proper-person motion for substitution of appointed counsel. ECF No. 59. Petitioner was not pleased that Gamage's first amended petition contained only one

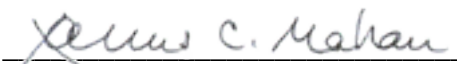
1 ground. Petitioner also stated that he could not communicate with Gamage. The court also
2 received information that Gamage had abandoned other clients in other actions. The court
3 granted petitioner's proper-person. ECF No. 63. The court appointed Mary Lou Wilson to
4 represent petitioner. ECF No. 64. Wilson then filed a motion for leave to file a second amended
5 petition. ECF No. 71. The motion repeated petitioner's complaints about Gamage, supported by
6 a newspaper article, court documents, and orders of the Nevada Supreme Court imposing
7 sanctions on Gamage. Id. The motion for leave to file a second amended petition is fully briefed
8 and ready for decision.

9 Wilson then resigned from the CJA panel and moved to withdraw. ECF No. 76. The
10 court granted Wilson's motion. ECF No. 77. The court has appointed Theresa Ristenpart to
11 represent petitioner. ECF No. 78.

12 The court will give new counsel time to become familiar with the case. Counsel will need
13 to decide how to proceed with this action. To repeat, the first amended petition, ECF No. 39, still
14 is the operative petition, but petitioner is not pleased with that petition. The motion for leave to
15 file a second amended petition, ECF No. 71, still is pending. Counsel might wish to decide to
16 proceed with that motion and proposed amended petition. However, if counsel does choose to
17 proceed with that motion, then counsel will need to file a separate proposed second amended
18 petition, because Wilson included her proposed second amended petition within the motion
19 document itself and not as an attachment. See LR 15-1(a). Counsel might wish to withdraw the
20 currently pending motion, ECF No. 71, and file a new motion for leave to amend with a new
21 proposed second amended petition. Counsel might have another proposal, too.

22 IT THEREFORE IS ORDERED that petitioner will have ninety (90) days from the date of
23 entry of this order to file and serve a motion or notice indicating how petitioner wishes to proceed
24 with this action. If counsel files a motion, then the normal briefing schedule of LR 7-2 will apply.

25 DATED: March 7, 2019.

26 
27 JAMES C. MAHAN
28 United States District Judge